IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 18721 of 2005

Between:

K. Ramudu, S/o. K. Pedda Seshaiah,
R/o. Mamidalapadu Village, Kurnool Mandal, Kurnool District.

..... PETITIONER

AND

1. The Collector and District Magsitrate,

Kurnool at Kurnool District.
2. The District Registrar, Stamps and Registration,
Kurnool District.
3. The Sub-Registrar, Stamps and Registration,
Kurnool, Kurnool District.

.....RESPONDENTS

The Court made the following:

ORDER:

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The proceedings issued by the first respondent in Rc.No.E8/2262/2002, dated 17.08.2002 directing the third respondent not to accept the documents for registration relating to the lands in Roza village, Kurnool District is challenged in the present writ petition.

A similar challenge was made to the said proceedings in W.P.No.17022 of 2002

which was disposed of by this court on 26.12.2002 directing the second respondent to receive documents submitted by the writ petitioner therein for registration without insisting on the impugned order or by raising any objection regarding the title of the petitioner vis-a-vis the 3rd respondent.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

It is not in dispute that the petitioners are the owners and possessors of different extent of lands, which are situated in Mamidalapadu village, Kurnool Mandal and District. Hence, it is not expected from the first respondent-District Collector, Kurnool to have passed the above impugned order directing the Sub. Registrar, Stamps and Registration, Kurnool not to accept any sale deed presented for registration in respect of the aforesaid lands. Having regard to the fact that the Registering authority cannot decide the title of the vendor, if any documents were presented for registration, he has to necessarily receive the same, which are presented for registration and can proceed in the manner contemplated under the Indian Registration Act. If for any reason other than the grounds mentioned in the memo issued by the Government, if the registering authority feels that such sale deed cannot be registered, it is needless to add that he is under obligation to pass a necessary speaking order against which the petitioners/vendors have a right of appeal to the appellate authority.

In view of the same, the registering authorities are directed to receive the sale deeds for registration as and when presented by the petitioners and proceed in accordance with law, without any reference to the impugned memo dated 17.08.2002.

The writ petition is disposed of accordingly. No costs.

(K.C. BHANU, J)

Date: 30.08.2005.

Ksn